

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JEAN REYES,)	
)	
Plaintiff,)	
)	
v.)	No. 12-2092-STA-dkv
)	
JOHN S. WILDER YOUTH DEVELOPMENT CENTER,)	
)	
Defendant.)	

ORDER REGARDING PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL

Before the Court is Plaintiff’s Notice of Voluntary Dismissal (“the Notice”) (D.E. # 15), filed on August 6, 2012. Under Federal Rule of Civil Procedure 41 (“Rule 41”), Plaintiff’s Notice has no effect. Rule 41(a)(1)(A) provides that a “plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves . . . an answer . . . or a stipulation of dismissal signed by all parties who have appeared.” Here, Defendant has filed an Answer, and Defendant did not sign the Notice. Accordingly, Rule 41(a)(1)(A) does not apply.

Nor does Rule 41(a)(2) help Plaintiff. Rule 41(a)(2) provides that “[e]xcept as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Here, Plaintiff has not provided an Order of Dismissal to the Court’s ECF email address, and in any case, the Court cannot act under Rule 41(a)(2) if Plaintiff does not provide terms by which the Court could conclude that dismissal would be proper. Therefore, Plaintiff’s Notice has no effect. Additionally, Plaintiff is directed to Local

Rule 83.13, which governs procedures in this District regarding how and when to notify the Court that a case has settled.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: August 6, 2012